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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MICHAEL J. WANG,

Plaintiffs,

v.

**UNITED STATES MEDICAL LICENSE
EXAMINATION SECRETARIAT,**

Defendant.

C.A. No. 2:05-CV-01861 (JS)(ARL)

ELECTRONICALLY FILED

**AFFIDAVIT OF PETER V. SCOLES
IN SUPPORT OF MOTION TO DISMISS**

I, Peter V. Scoles, hereby depose and say as follows:

1. I am Peter V. Scoles, MD, Senior Vice President of the National Board of Medical Examiners. In that capacity, I have personal knowledge of the status of the United States Medical Licensing Examination ("USMLE") as a non-legal entity.

2. USMLE is an examination that assesses physician skills important in health and treatment of disease and that constitute the basis of safe and effective patient care. The exam is administered in three stages, Step 1, Step 2 and Step 3, with each step a necessary complement to the others.

3. The USMLE is cosponsored and administered (through a vendor) by the Federation of State Medical Boards ("FSMB") of the United States, Inc. and the National Board of Medical Examiners ("NBME").

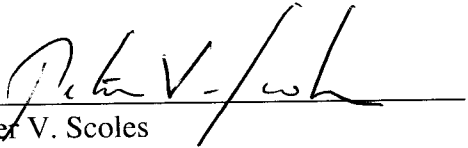
4. USMLE is not a legal entity but, rather, is the test itself. USMLE is not organized and/or recognized under the laws of Pennsylvania, New York or any other jurisdiction.

5. In addition, the "Secretariat" of the USMLE refers to the Office of the Secretary of the USMLE.

6. The Office of the Secretary of the USMLE is an administrative function of the USMLE and as such is not a legal entity. Nor is the Office of the Secretary of the USMLE organized and/or recognized under the laws of the Pennsylvania, New York or any other jurisdiction.

I verify that I am authorized and competent to make this affidavit and that the foregoing is true and correct, to the best of my knowledge, information and belief.

Date: May 10, 2005


Peter V. Scoles